



PATENT
Attorney's Docket No. 1367

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Alfred D. COMMINS, et al.

Serial No.: 10/705,662

Filing Date: November 10, 2003

**For: DIAPHRAGM WITH PERIMETER
EDGING ON STRUCTURAL PANELS**

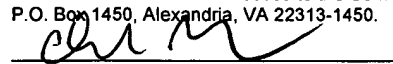
Examiner: Horton, Yvonne Michele

Art Unit: 3635

EXPRESS MAIL LABEL
"Express Mail" label number: EV459414428

Date of Deposit: 9 December 2004

I hereby state that the following *attached* paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Charles R. Cypher

MAIL STOP Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants submit herewith patents, publications or other information, of which Applicants are aware that Applicants believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose. The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

This information disclosure statement is accompanied by Form PTO/SB/08 (substitute for Form PTO-1449). Since copies of the cited references were provided either by Applicants or the Examiner in the following related U.S. Application – Serial No. 08/873,972, filed June 12, 1997 (now Patent No. 6,643,986) – upon which the instant application relies for its priority date, in accordance with 37 C.F.R. § 1.98(d), no

EV 459414428

copies of these references are enclosed. However, Applicants are enclosing a copy of reference no. C14, which, although provided in the parent application was cited in another form.

Further, in accordance with the provisions of 37 C.F.R. § 1.98(a)(3) and MPEP § 609(III)(A)(3), Applicants submit that reference nos. B1, B2, C15 and C16 are not in the English language and submits the following concise statements as to their relevance:

B1 and B2, Foreign Patents CH419526 and JP10-140653

References B1 and B2 were cited in a European Search Report for a corresponding application of the parent of the instant application. A copy of the English language search report for the counterpart European Patent Application is enclosed herewith for a concise statement as to their relevance. Applicants also direct the examiner's attention to reference no. C14, which is a Derwent Abstract of JP10-140653.

C16, Japanese Language Magazine Article

Applicants believe this articles was published in Japan on or about February 12, 1996. The article concerns the use of pre-fabricated shear resisting units built according to U.S. Patent 5,706,626. The building shown in the picute accompanying the article is the same building shown in the 4 pages of color photocopies identified as reference C2.

C15, Japanese Language Article "Wide Focus"

Applicants believe the subject matter of this article is the same as that of reference no. C16.

The person making this certification is the practitioner who signs below on the basis of the information supplied by the inventor(s) and in the practitioner's file.

Pursuant to 37 C.F.R. §1.97(c), enclosed is a check in the amount of \$180.00 as set forth in 37 C.F.R. §1.17(p). While no further fee is believed to be due, if this belief is in error the Commissioner is authorized to charge any additional fees, including

EV 459414428

extension fees or other relief which may be required for this paper, or credit any overpayment to Deposit Account No. 03-4075 (Atty. Docket No. 1367).

Respectfully submitted,

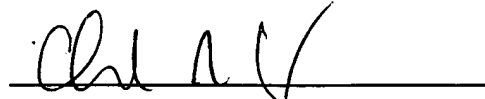
Date: December 9, 2004

Reg. No.: 41,694

Tel. No.: 510-832-4111

Fax No.: 510-832-4115

Customer No.: 498



Charles R. Cypher
Law Offices of James R. Cypher
405 14th Street
Suite 1607
Oakland, CA 94612

Attachments: Form PTO/SB/08 (4 pgs)

1 cited reference

Copy of European Search Report

Check No. _____ for \$180

EV 459414428

MODIFIED PTO/SB/8A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A PTO (MODIFIED)			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	10/705,662	
			Filing Date	November 10, 2003	
			First Named Inventor	Alfred D. Commins	
			Group Art Unit	3635	
			Examiner Name	HORTON, Yvonne Michele	
Sheet	1	of	4	Attorney Docket Number	SST/1367

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US- 328185	Oct., 1885	Butcher	
	A2	US- 673558	May., 1901	Kline	
	A3	US- 1719200	Jul., 1929	Schumacher	
	A4	US- 1997809	Apr., 1935	Cole	
	A5	US- 2020988	Nov., 1935	Balletta	
	A6	US- 2063010	Dec., 1936	Balduf	
	A7	US- 2080593	May., 1937	Albert	
	A8	US- 2137767	Nov., 1938	Betcone	
	A9	US- 2154520	Apr., 1939	Mackin	
	A10	US- 2160225	May., 1939	Newman	
	A11	US- 2193550	Mar., 1940	Coe	
	A12	US- 2278331	Mar., 1942	Meyercord	
	A13	US- 2281185	Apr., 1942	Forster	
	A14	US- 2457964	Jan., 1949	Wyche	
	A15	US- 2633610	Apr., 1953	Hervey	
	A16	US- 2743980	May., 1956	Hobbs	
	A17	US- 2803856	Aug., 1957	Kofthal et al.	
	A18	US- 3310917	Mar., 1967	Simon	
	A19	US- 3328927	Jul., 1967	Kates	
	A20	US- 3748799	Jul., 1973	Tough et al.	
	A21	US- 3775920	Dec., 1973	Schneller	
	A22	US- 4016697	Apr., 1977	Ericson	
	A23	US- 4037381	Jul., 1977	Charles	
	A24	US- 4114333	Sep., 1978	Jones	
	A25	US- 4283892	Aug., 1981	Brown	
	A26	US- 4295299	Oct., 1981	Nelson	
	A27	US- 4471591	Sep., 1984	Jamison	
	A28	US- 4498264	Feb., 1985	McCafferty	
	A29	US- 4552094	Nov., 1985	Johnson	
	A30	US- 4879160	Nov., 1989	Knudson et al.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. SST-1367US_Form_IDS Ref List_12-04.doc

EV 459414428

MODIFIED PTO/SB/8A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO (MODIFIED) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	10/705,662	
			Filing Date	November 10, 2003	
			First Named Inventor	Alfred D. Commins	
			Group Art Unit	3635	
			Examiner Name	HORTON, Yvonne Michele	
Sheet	2	of	4	Attorney Docket Number	SST/1367

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A31	US- 5524406	Jun., 1996	Ragland	
	A32	US- 5706626	Jan., 1998	Mueller	
	A33	US- 5870870	Feb., 1999	Utzman	
	A34	US- 5921054	Jul., 1999	Rudd	
	A35	US- 6158184	Dec., 2000	Timmerman, Sr. et al.	
	A36	US- 6244004	Jun., 2001	Timmerman, Sr. et al.	
	A37	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document Country Code ² Number* Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	B1	CH. 419 526	Mar., 1967	Biggi		
	B2	JP. 10-140653	May., 1998	Okawa		
	B3	NZ. 186060	Nov., 1980	Napier		
	B4	NZ. 221612	Mar., 1993	Murphy		
	B5					
	B6					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C1	"Typical CS Installation as a Floor-to-Floor Tie with Strap Attached Over Plywood," total of 1 page.	
	C2	"Wood Framed Residential Project in Kobe Japan Utilizing Manufactured LWM Steel Shear Panels," color photocopies, total of 4 pages, (1996).	
	C3	American Plywood Association, "A Test of Time Plywood Harvest Bins Span Three Decades in Use," APA The Engineered Wood Association, American Plywood Association (Tacoma, Washington U.S.A.) (Nov. 1996).	
	C4	American Plywood Association, "APA Collapsible Bin Design and Fabrication," APA The Engineered Wood Association, American Plywood Association (Tacoma, Washington U.S.A.) (Feb. 1997).	
	C5	American Plywood Association, "APA Homeowner's Guide to Earthquake Safeguards," American Plywood Association (Tacoma, Washington U.S.A.) (1992).	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. SST-1367US_Form_IDS Ref List_12-04.doc

Substitute for form 1449A/PTO (MODIFIED) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/705,662
				Filing Date	November 10, 2003
				First Named Inventor	Alfred D. Commins
				Group Art Unit	3635
				Examiner Name	HORTON, Yvonne Michele
Sheet	3	of	4	Attorney Docket Number	SST/1367

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	C6	American Plywood Association, "Materials Handling," APA The Engineered Wood Association Industrial Use Guide, American Plywood Association (Tacoma, Washington U.S.A.) (Revised Jan. 1995).	
	C7	American Plywood Association, "Stapled Sheet Metal Blocking for APA Panel Diaphragms," Technical Note No. N370B, American Plywood Association (Tacoma, Washington U.S.A.) (Revised Nov. 1993).	
	C8	American Plywood Association, "The Produce Protector Making a Case for Plywood Harvest Bins," APA The Engineered Wood Association, American Plywood Association (Tacoma, Washington U.S.A.), total 1 page, printed both sides (May, 1996).	
	C9	Author Unknown, ICBO Evaluation Report -STS Prefabricated Lateral-Force Resisting Panel System, Jul. 1, 1998, Hesperia CA.	
	C10	Breyer, Donald E. <i>Design of Wood Structures</i> 3 rd ed. 1993. Chapters 8-11 & .sctn..sctn.3.1, 3.3 & 3.4 of Chapter 3. McGraw-Hill	
	C11	Breyer, Donald E. <i>Design of Wood Structures</i> , 3rd ed., McGraw-Hill, Inc. (New York, NY U.S.A.), front and back cover, numbered pp. 87, 92-97, 402-441, 443-496, 497-532, 533-559 (1993).	
	C12	Breyer, Donald E. <i>Design of Wood Structures</i> , 3rd ed., McGraw-Hill, Inc. (New York, NY U.S.A.), front and back cover, number pp. 561, 562, 597-600 (1993).	
	C13	Breyer, Donald E., <i>Design of Wood Structures</i> 3 rd ed. 1993, .sctn. 12.1 and 12.9 of Chapter 12. McGraw-Hill	
	C14	Derwent Abstract 98-358235 regarding Japanese Patent 10-140653. Derwent WPI Database Section PQ, week 9831. Derwent Publications Ltd., London, GB. (1998)	
	C15	Japanese Language Magazine Article, "Wide Focus", 2 pages, pp. 20 and 21.	
	C16	Japanese Language Newspaper Article, 1 page.	
	C17	Keith, Edward L., P. E., "Big Bin: Performance and Testing," Research Report 153. American Plywood Association, American Plywood Association (Tacoma, Washington U.S.A.), front cover, numbered 1-24, back cover, (May 1990).	
	C18	Mitzner, Raymond C., "Plywood for Tobacco Storage," APA The Engineered Wood Association, American Plywood Association (Tacoma, Washington U.S.A.) total of 1 page, (at least as early as 1997).	
	C19	Schmid, Ben L. Calculation Sheet, "Apartment Bldgs Seismic Strengthening," total of 1 pages (Jul. 30, 1994).	
	C20	Ser. No. 08/975,940, "Building Wall for Resisting Lateral Forces," filed Nov. 21, 1997, Alfred D. Commins et al., total of 22 pages, printed both sides.	
	C21	Ser. No. 60/043,835, "Lateral Force Resisting System," Apr. 14, 1997, Timothy L. Timmerman	
	C22	Simpson Strong-Tie Company, Inc. "Connectors for Earthquake-Resistant Structures Retrofit & New Construction," Simpson Strong-Tie Connectors, Simpson Strong-Tie Company, Inc. (U.S.A.), front cover, numbered pp. 2-16, (1991).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. SST-1367US_Form_IDS Ref List_12-04.doc

EV 459414428

MODIFIED PTO/SB/8A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO (MODIFIED) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/705,662
				Filing Date	November 10, 2003
				First Named Inventor	Alfred D. Commins
				Group Art Unit	3635
				Examiner Name	HORTON, Yvonne Michele
Sheet	4	of	4	Attorney Docket Number	SST/1367

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	⁶
	C23	Simpson Strong-Tie Company, Inc. catalog, 1997, p. 53.	
	C24	Simpson Strong-Tie Company, Inc., "CS/CMST Coiled Straps," Simpson Strong-Tie Connectors 1996 Catalog, Simpson Strong-Tie Company, Inc. (U.S.A), numbered p. 56, (1995).	
	C25	Simpson Strong-Tie Company, Inc., "Handbook of Structural Designs & Load Values," Strong-Tie Timber Connectors, Catalog No. 79H-1 1979, Simpson Strong-Tie Company, Inc. (U.S.A), front cover, numbered p. 16, (Sep. 1978).	
	C26	Simpson Strong-Tie Company, Inc., "LTP/A34/A35 Framing Anchors," Simpson Strong-Tie Connectors 1996 Catalog, Simpson Strong-Tie Company, Inc. (U.S.A), numbered p. 58, (1995).	
	C27	Thallon, Rob "Graphic Guide to Frame Construction Details for builders and designers," The Taunton Press, Inc. (Newtown, CT U.S.A.), front and back cover, numbered pp. 70, 77, 79, 80-82 (Sep. 1991).	
	C28	Timmerman, T.L., Shearmax Panel, Date Unknown, Shear Transfer Systems, Hesperia, California.	
	C29	Tissell, John R., P. E. and John D. Rose, "Roof Diaphragms for Manufactured Homes," Research Report 146. American Plywood Association, Technical Services Division, American Plywood Association (Tacoma, Washington U.S.A.) (Revised Sep. 1993).	
	C30	Tissell, John R., Wood Structural Panel Shear Walls, American Plywood Association. APA Engineered Wood Association Research Report, May 1993, Tacoma WA.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. SST-1367US_Form_IDS Ref List_12-04.doc